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ABSTRACT

In this first legislative report by the Maryland State Board of Higher Education (SBHE), which became operational in 1976, comment is made on approximately half of the 64 measures enacted by the state legislature during the 1977 session. The report is divided into five parts: (1) general analysis and summary of SBHE departmental and program proposals; (2) enactments with fiscal impact on higher education in Maryland; (3) enactments with operational impact; (4) an analysis of the fiscal year 1978 operating and capital budget bills; and (5) legislative committee recommendation to SBHE. (LBH)

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State Board for Higher Education

SBHE

LEGISLATIVE SUMMARY

1977 Maryland General Assembly

HE005921

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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A Summary of Legislation Affecting Postsecondary Education In MARYLAND - MAY 1977

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1977 LEGISLATIVE REPORT OF

THE MARYLAND STATE BOARD FOR HIGHER EDUCATION

During the 1977 General Assembly, 4,533 bills and joint resolutions were presented. Of these, 1,137 passed both houses and were presented to the Governor. This 25% enactment ratio was one of the lowest in recent years.

The legislative staff of the SBHE identified 182 measures that affected budget and/or operational facets of higher education. Of these, 64 or 35% were enacted.

Comment on about half of these measures comprise this report. The provisions of these enactments affect directly or indirectly the operations of the Board and/or the institutions and agencies subject to the Board's authority under Sections 28-32 of Article 77-A, 1976 Supplement of the Maryland Code.

This is the first Legislative Report published by the Maryland State Board for Higher Education. This Board became operational as of July 1, 1976 as a result of enactment of the Higher Education Reorganization Act of 1976. The Act created the SBHE as the central state coordinating and planning agency for all of public and private postsecondary education in Maryland. By July 1, 1978 the Board must present a statewide higher education master plan to the Governor and the General Assembly.

Therefore, major structural changes in the governance of higher education were neither proposed by the SBHE nor initiated by the Governor or General Assembly in 1977. This interim recess was welcome, since the mandate to present a comprehensive master plan is a first priority in the operations of the SBHE through early 1978.

The Report is divided into five parts as follows:

Part I — General Analysis and Summary of SBHE Departmental and Program Proposals

Part II — Enactments With Fiscal Impact on Higher Education in Maryland

Part III — Enactments With Operational Impact

Part IV — An Analysis of the FY 1978 Operating and Capital Budget Bills

Part V — Legislative Committee Recommendations to SBHE

Where applicable, a brief summary of the operational effect on the SBHE is presented.

PART ONE - SBHE DEPARTMENTAL AND LEGISLATIVE PROGRAM PROPOSALS

A. SBHE Finance Study Committee Recommendations

On December 3, 1976, the Board's Finance Study Committee presented a series of proposals to the Governor and the General Assembly.

1. The State, in order to insure an equitable level of tuition in four-year public colleges and universities, should support about 70% of the direct educational operating costs of instruction over the next five years.

The total General Fund allocation for FY 78 to all of higher education was 227.5 million. The FY 77 appropriation was 218.3 million. This 4 percent increase was not sufficient to move higher education funding toward this goal. In fact, the present 64% ratio at state colleges and universities, and the 69% at the University of Maryland, probably receded slightly, to 63.5% and 67% respectively.

However, separate from the Executive's General Fund higher education recommended allocations, was a proposal for a salary increase for all state employees. The final Legislative appropriation was approximately 31 million. As this Report went to press, all salary grades below the $20,000 level would get a six percent increase, while those above would receive five percent. All classified and professional employees at the State's public four-year colleges and universities would benefit from these increases. Therfore, the final General Fund appropriation for all direct educational (instruction included) operating costs in FY 1978 in public higher education could go as high as 238 million. (See Part IV - Budget Analysis).

2. The State should increase its support for community colleges to $800 per FTE student in order to maintain its commitment to support the educational costs at these institutions at a significant level.

This goal was achieved by the following General Assembly action:

Senate Bill 353 The President (Admin.)	Community College Aid	Will raise the State share of operating support for community colleges from $700 per FTE to $800 per FTE. Also allows a 14% increase in State funding formulas for Chesapeake, Garrett and Wor-Wic Tech Community Colleges. This is an SBHE Finance Study Committee Recommendation. A new process for calculating FTE enrollment for aid purposes is required. SBHE must be consulted in the SBCC projection.

3. The State should provide faculty in four-year public colleges and universities with a 3% salary increase for FY 1978 over and above increases required to match increases due to inflation.

This goal was only partially achieved through the enactment of the operating budget which contains the 31 million dollar appropriation for increases in State employees' salaries referred to above.

4. The basic level of support per FTE for private institutions, which is now calculated at 15% of that given in general fund support per FTE to the public institutions, be increased to 20%.

This goal was achieved in two stages beginning in FY 1979 with enactment of the following Administration legislation.

Senate Bill 905 (Admin.)	Increase State Aid to Private Colleges	Effective in FY 1979 the ratio of private aid rises from 15% to 17.5% as a percent of General Fund allocations per FTE to public colleges, and in FY 1980 the private ratio rises to 20%.

This will increase the FY 78 allocation of 5.2 million to approximately 6.1 million in FY 79 and 7.0 million in FY 80 as determined and administered by SBHE under Sections 65-68 of Article 77-A.

5. The State create a 5 million dollar State capitalized student loan program that would serve as a "lender of last resort" to students who have tried unsuccessfully to obtain loans through commercial lenders. The program would be administered by the existing Higher Education Loan Corporation.

Two bills, H.B. 1902 and H.B. 1903 were introduced, but were killed in committee.

B. Departmental Legislation Requested By SBHE

Three of four proposals were enacted. The Governor is expected to sign:

House Bill 241 Cardin (Departmental)	Student Records	Will require all postsecondary institutions which cease operations to deposit all student records with the Board.
House Bill 447 Cardin (Departmental)	Institutional Performance Bonds	Will allow the Commissioner to determine the form and amount of a performance bond that would be required of a postsecondary proprietary institution.

House Bill 523 Cardin (Departmental)	Public Education - Solicitors for Private Schools	Clarifies the duty of the State Board for Higher Education to issue permits to persons who solicit students to enroll in or apply for a course of instruction offered by out-of-state trade or technical institutions.

These enactments will bring added staffing responsibilities to the Division of Accreditation and Approval. There is the necessity to move some postsecondary academic records now in the possession of the State Department of Education. Guidelines will need to be considered to determine the process for requiring performance bonds. The processing of solicitors permits will need to begin July 1, with as many as 250 permits required to be issued. All three of these responsibilities were previously held by the Maryland State Department of Education. In the transfer of powers previously held by the State Board of Education over higher education, under the Higher Education Reorganization Act of 1976, these provisions were inadvertantly excluded from the SBHE's new authority. This authority states that SBHE is responsible for all postsecondary education in Maryland; meaning "a school or other institution that offers an educational program within the State for persons 16 years of age or older who have graduated from or left elementary or secondary school."

A fourth departmental proposal, S.B. 893, would have allowed the Board to purchase liability insurance for Board members and staff. It was given an unfavorable Committee report. However, SJR 32 was enacted, which requests the Governor to create a commission "to study the problems surrounding the increased liability of state, county, and municipal employees for tortious conduct arising out of the course of their employment". The Commission is requested to be appointed by July 1 and report by January 1, 1978.

PART TWO - ENACTMENTS WITH FISCAL IMPACT ON HIGHER EDUCATION IN MARYLAND

This listing includes both capital and operating legislative items.

Senate Bill 207 Thomas	State Debt-Alterations at Hood College	Creates a State debt of $450,000 to be used for alterations and construction of buildings at Hood College in Frederick, Maryland, with Hood matching the State grant with $450,000.

Senate Bill 757 Staten	State Debt - Johns Hopkins University Biology Bldg.	Authorizing a debt in the amount of $1,500,000 to be used for the planning, construction, and equipping of a biology laboratory and teaching facility at the Johns Hopkins University, providing the University makes available $4,100,000 by June 1, 1979.
Senate Bill 801 Curran	Repeal of Medical and Dental Student Loan Program	This program was repealed because it has not been used to any degree since its inception in 1971. The annual $50,000 capitalization will not be used.
Senate Bill 872 Staten	State Debt - St. Johns College	In exchange for deeding 3.5 acres of land to the State, the College located in Annapolis, will receive a matching loan on the credit of the State for $1,750,000.
House Bill 148 Pesci	Higher Education Institutional Reserve Accounts	Allows public 4-year public colleges to accrue reserve accounts from special revenue to be used for specific purposes in succeeding fiscal years. State Budget officials will monitor the process.
House Bill 1473 Cardin	Creation of a State Debt - College of Notre Dame of Md.	Creates a State debt of $342,860 for improvements to that College's Academic Building located in Baltimore City, provided the same amount is matched by the college.

PART THREE - ENACTMENTS WITH OPERATIONS IMPACT ON HIGHER EDUCATION IN MARYLAND

This category will also include measures that have a fiscal relationship as well. This fact will be noted in the summary of the legislative mandate.

Senate Bill 493 "Sunshine" Bill	The Open Meetings "Sunshine" Bill	SBHE is covered by all sections of this pending law, which is designed to "open" the actions of public bodies to the public. There are specific provisions for closed meetings, notice of meetings, minutes, and enforcement and penalty provisions. The Act will take effect on July 1.
Senate Bill 852 Clark	Transfer of Division of Emergency Medical Services	Will assist SBHE's relationship with agencies responsible for emergency services training (Maryland Fire Rescue Education-Training Commission), by transferring the Division of Emergency Medical Services from the Department of Health & Mental Hygiene to the University of Maryland Hospital in Baltimore.
Senate Joint Resolution 12 Thomas	Cosmotology Study Commission	Following the successful fight led by SBHE to defeat H.B. 1562, which would have abolished the Board of Cosmotology, thus creating problems for the Accreditation/Approval function, this Resolution was enacted. A staff member from the Division will be on the Commission, if the Governor creates it.
Senate Joint Resolution 15 Blount	External College Credits	Will require the SBHE to develop guidelines and procedures for granting equivalency credits for life experiences learning in order that students enrolled in postsecondary institutions could be eligible for credit for learning obtained outside traditional academic programs.

Senate Joint Resolution 22 Conroy	Recodify Laws On State Employees	The Governor is requested to appoint a Commission to study, revise and recodify all statutes affecting the State's 60,000 employees.
House Bill 532 Devlin	Student Governing Board Members	After July 1, all student members of segment and institutional governing boards will need to meet the same eligibility criteria as student government officers on the campus where they are enrolled, before they can be considered for Gubernatorial appointment. All bills proposing adding a student member to the SBHE were killed in Committee.
House Bill 1958 Pesci	Transfer of Administration of Interstate Agreements	Transfers the administration of all interstate arrangements from the University of Maryland to the SBHE, which presently involves 179 students in several out-of-state colleges; mostly S.R.E.B. contracts. This has a major staff implication. Cooperative relationships between UMCP and SBHE will be established, particularly in student selection processes. As of July 1, the $807,000 item in the University of Maryland budget will need to transfer to the SBHE. The FY 79 estimate is $920,000.
House Joint Resolution 8 Goldwater	Higher Education Services To The General Assembly	This Resolution requests the Legislative Policy Committee to study methods and procedures for higher education services to the Legislature.

House Joint Resolution 88 Goldwater	Reciprocal Faculty Library Borrowing	Requests SBHE to set guidelines for faculty to have access to all libraries at postsecondary institutions which receive State General Fund support.
House Joint Resolution 122 Hull	Collective Bargaining Task Force	Requests the Governor to continue in effect the Task Force chaired by Delegate Hull for reporting to the 1978 Legislature on the question of collective bargaining for all State employees including higher education faculty. This was the only measure related to collective bargaining enacted. At least six substantive enabling proposals were held in Committee. Sentiment in support of collective bargaining in higher education appears to be waning.

PART FOUR - AN ANALYSIS OF THE OPERATING AND CAPITAL BUDGET BILLS - S.B. 277 OPERATING BUDGET

A. FUNDING IN HIGHER EDUCATION IN MARYLAND
Total General Funds
($ thousands)

	Actual FY 1976	Approp FY 1977	Gov. Allow FY 1978*
INSTITUTIONAL BUDGETS: UNIVERSITY OF MARYLAND			
College Park	55,684.6	55,773.6	55,840.0
Baltimore City	26,121.4	27,266.8	29,205.4
UMES	3,487.7	3,366.1	3,261.4
UMBC	10,765.7	10,626.4	10,883.9
Estuarine Studies	1,630.8	1,652.9	1,783.1
General University	2,200.4	2,537.2	3,643.2
Coop Extension Service	3,434.4	3,580.4	3,771.9
Hospital	18,491.5	11,708.2	11,086.1
Subtotal	121,816.5	116,511.6	119,465.1
STATE UNIVERSITIES AND COLLEGES			
Bowie	5,031.3	4,727.3	4,427.2
Coppin	4,420.6	4,440.4	4,253.4
Frostburg	5,512.7	5,578.3	5,548.1
Salisbury	3,985.0	4,473.6	4,419.5
Towson	13,573.3	13,924.5	13,910.1
Univ. of Balto.	2,891.8	3,061.7	3,505.2
St. Mary's	2,427.3	2,399.4	2,501.3
Morgan	9,004.7	7,845.1	8,469.6
Subtotal	46,846.7	46,450.4	47,035.0
COMMUNITY COLLEGE AID	38,839.1	41,575.7	45,640.0
SUBTOTAL INSTITUTIONAL BUDGETS	207,502.3	204,537.8	212,401.6
AGENCY BUDGETS			
SBHE	580.8	775.3	1,118.8
BTSUC	1,365.1	2,168.8	3,026.3
SBCC	240.3	271.5	522.4
Scholarship Board	4,077.5	4,622.0	4,612.9
MHELC	339.8	562.7	603.5
Subtotal	6,603.5	8,400.3	9,883.9
Total Public Higher Education	214,105.8	212,938.0	222,173.5
Aid to Privates	4,416.3	5,336.4	5,296.7
Total All Higher Education	218,522.0	218,274.5	227,470.2

The FY 78 allowance represents only a four percent increase over the 1977 appropriation. However, as stated on page 2, the Actual FY 78 expenditures will reflect an additional 8 to 10 million in higher education funding as a result of distribution of the 31 million dollar State employees salary increase. All professional and classified personnel employed at the State's public four-year institutions and higher education agencies are eligible for the increase.

The SBHE, in action taken on May 6, voted to recommend a unified higher education budget, including all campuses and agencies listed on the preceding page, of 261.4 million. The Board, in requesting the 14.6% increase, is following its policy of recommending that the State move to a 70% support level of the direct educational operating costs of instruction in the public four-year institutions. Under the 1976 Reorganization Act the Board has the authority to recommend a unified higher education budget to the Governor.

B. S.B. 278 - CAPITAL BUDGET - BY INSTITUTION AND PROJECT

The Governor's original 92.1 million dollar proposal was cut to 88.3 million by the Legislature. The largest single item calls for a 48.5 million dollar outlay for construction of penal facilities, including 26 million for conversion of the old Continental Can Factory in Baltimore City to a 890 bed minimum-medium security prison.

The worst casualty of the cuts was the deletion of a 4.8 million mathematics facility at the University of Maryland - College Park.

The authorized capital projects are:

University of Maryland - UMCP	
Land Acquisition	$ 180,000
Fire Services Renovations & Replacements	1,044,000
Equipment - Central Adm. Bldg.	251,000
UMAB	
Medical School Facility Equipment	676,000
School of Pharmacy Bldg.	9,380,000
UMBC	
Equipment - Academic Bldg. IV	315,900
Central Fire Alarm System	337,000
UMES	
Renovation of Trigg Hall	915,000
Acquisition of the Adjacent Eldon Markman 245 Acre Farm	265,000

The latter item was added to the Governor's proposal by the Legislature. It has significance for the proposed SBHE Task Force Study on a possible unification of UMES - Salisbury State.

Bowie State College	
Addition to 1973 Allocation for Entrance Road Construction	100,000
Coppin State College	
Equipment Tawes Hall	447,000
Frostburg State College	
Remodeling Frost Hall	445,000
Conversion of Electrical System	300,000
Mine Protection and Stabalization	1,000,000
University of Baltimore	
Construction of Academic Center Addition	5,300,000
TOTAL ALL PUBLIC HIGHER EDUCATION	20,955,900
TOTAL PRIVATE COLLEGES	4,042,862
Total	$24,998,762

PART FIVE - LEGISLATIVE COMMITTEE RECOMMENDATIONS TO THE SBHE

As hoped, there were no statutory requirements enacted that would require specific studies by the SBHE. The Master Plan mandate was perhaps perceived as sufficient priority for satisfving legislative concerns through 1978.

However, the Joint Chairmen of the Senate Budget and Taxation and House of Delegates Appropriation Committees did recommend specific attention by the SBHE to the following items:

1. IT IS RECOMMENDED THAT THE STATE BOARD FOR HIGHER EDUCATION REVISE THE METHOD BY WHICH THE STATE FUNDS ARE APPORTIONED TO THE SEGMENTS OF HIGHER EDUCATION, INCLUDING AID TO PRIVATE INSTITUTIONS, AND INTRODUCE LEGISLATION PRIOR TO THE 1978 SESSION WHICH WILL PROVIDE A COMMON BASIS AND A FAIR AND EQUITABLE METHOD FOR THE COMPUTATION OF STATE AID TO ALL SEGMENTS OF HIGHER EDUCATION IN THE STATE OF MARYLAND.

2. IT IS RECOMMENDED THAT THE STATE BOARD FOR HIGHER EDUCATION REEVALUATE ITS PROGRAM PRIORITIES TO CONSIDER THE DESIRABILITY AND CAPABILITY OF THE STATE TO FUND A PORTION OR ALL OF VOCATIONAL, AVOCATIONAL, OR CONTINUING ADULT EDUCATION PROGRAMS. THE STUDY SHOULD ATTEMPT TO BRING THE SEGMENTS INTO AGREEMENT ON FEES FOR GIVEN TYPES OF PROGRAMS AND DETERMINE AN APPROPRIATE SHARE OF STATE AND STUDENT SUPPORT.

3. IT IS RECOMMENDED THAT THE PLANNED 10% ANNUAL INCREASE IN THE ABSORPTION OF UTILITY COSTS ASSOCIATED WITH THE AUXILIARY ENTERPRISE PROGRAM BE REDUCED TO 5% PER YEAR FOR A PERIOD OF EIGHT YEARS IN ORDER TO SLOW THE RATE OF FEE INCREASE AT THE UNIVERSITY AND STATE COLLEGE SYSTEM.

4. IT IS RECOMMENDED THAT THE STATE BOARD FOR HIGHER EDUCATION, IN DEVELOPING THE STATE MASTER PLAN FOR HIGHER EDUCATION, CONSIDER THE FUTURE ROLE OF THE UNIVERSITY OF MARYLAND EASTERN SHORE IN THE OVERALL DELIVERY OF ADEQUATE, QUALITY HIGHER EDUCATION TO THE LOWER EASTERN SHORE REGION AND THE COSTS BORNE BY ALL THE CITIZENS OF THE STATE, INCLUDING THE FEASIBILITY OF CONSOLIDATING ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE LOWER EASTERN SHORE REGION, AND REPORT THE RESULT OF THIS STUDY TO THE FISCAL COMMITTEES BY JANUARY 1, 1978.

On May 6, the SBHE named a seven-member bi-racial Task Force to study the feasibility of creating a single four-year institution in the area utilizing the existing resources of UMES and Salisbury State College. The group began its work at an organizational meeting on May 11. The Board has asked for a report and recommendations by January 1, 1978.

5. IT IS RECOMMENDED THAT THE STATE BOARD FOR HIGHER EDUCATION, IN DEVELOPING THE STATE MASTER PLAN FOR HIGHER EDUCATION, CONSIDER THE FUTURE ROLES OF THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY AND OF TOWSON STATE UNIVERSITY IN THE OVERALL DELIVERY OF ADEQUATE, QUALITY HIGHER EDUCATION TO THE GREATER BALTIMORE AREA AND THE COSTS BORNE BY ALL THE CITIZENS OF THE STATE, INCLUDING THE FEASIBILITY OF CONSOLIDATING ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE GREATER BALTIMORE AREA, AND REPORT THE RESULTS OF THIS STUDY BY JANUARY 1, 1978.

It is doubtful that the Board will be able to separate this area from the overall master plan. The Plan must be submitted, by law, to the Governor and the General Assembly by July 1978.

6. IT IS RECOMMENDED THAT THE STATE BOARD FOR HIGHER EDUCATION PERIODICALLY ADVISE THE GENERAL ASSEMBLY ON THE STATUS OF THEIR MASTER PLANNING EFFORTS AND THE THRUST OF THEIR CURRENT THINKING.

7. IT IS RECOMMENDED THAT THE ADMINISTRATION OF THE INTER-STATE EDUCATIONAL COMPACTS BECOME A RESPONSIBILITY OF THE STATE BOARD FOR HIGHER EDUCATION

This will be mandated as a result of the passage of H.B. 1958, see page 7.

8. IT IS RECOMMENDED THAT THE STATE BOARD FOR HIGHER EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF MARYLAND, AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITIES AND COLLEGES, COORDINATE WITH THE DEPARTMENT OF BUDGET AND FISCAL PLANNING AND THE COMPTROLLER OF THE TREASURY TO PLACE THE INTERCOLLEGIATE ATHLETIC PROGRAM IN THE SAME INSTITUTIONAL PROGRAM FOR ALL STATE COLLEGES AND UNIVERSITIES IN A MANNER CONSISTENT WITH THE NEEDS OF THE INSTITUTIONS AND THE NEEDS FOR CONSOLIDATED BUDGET PRESENTATION.

During the interim before the 1978 Session, the Board will be involved with emerging legislative issues before the Joint Legislative Policy Committee and other standing committees of the Legislature which now meet year-round. Without question, developing Master Plan questions will be addressed. The coming year will be one of overall assessment of Maryland's higher education system.

Copies of any specific legislation referred to in this report are available upon request from the SBHE. All inquiries should be directed to Fred H. Spigler, Jr., Director of Special Programs, State Board for Higher Education, 16 Francis Street, Annapolis, Md. 21401.